IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1245 OF 2004

Keshriprasad Ramdeo Mishra ...Appellant

Vs.

Dwarkaaprasad Parsnath Dube & Anr. ...Respondents

Mr. Pramod J. Pawar for the Appellant
Mr. P.R.Arjunwadkar for the Respondent Nos.1 & 2.

CORAM: A.S.OKA, J.

DATED: JANUARY 27,2005.

P.C.:

1. Heard Counsel appearing for the parties. The Appeal is by the original Defendant No.1. A decree has been passed by the Trial Court in favour of the Respondents-Plaintiffs in the sum of Rs.85,000/-. Facility was granted by the Trial Court to the Appellant to deposit the decretal amount in six monthly instalments. The dispute is about execution of document at Exh.32. The case of the Appellant is that the document was executed under coercion and threat. Both the Courts have disbelieved the case made out by the Appellant. I find no error in the findings recorded by the Courts below on the said question of fact. There is no substantial question of law and therefore Appeal has no merit.

2. The learned Court for the Appellant stated that till

today the Appellant has deposited total sum of Rs.54,000/- in the Trial Court. He submitted that in the event this Court is inclined to dismiss the Appeal, some time may be granted to deposit the balance amount. Considering the fact that substantial amount is paid by the Appellant, he deserves to grant some time to deposit the balance amount.

3. Appeal is dismissed with no order as to costs. The Appellant is granted time up to 30th June 2005 to deposit the balance decretal amount. The order of status quo in regard to the property of the Appellant passed by this Court will continue till that date. If the balance amount is not deposited by the Appellant on or before the said date, the original Plaintiffs are free to execute the decree.

Judge.